

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN D. JOY,

3:11-CV-743-PK

ORDER

Plaintiff,

v.

AGC-INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 701
DEFINED PENSION BENEFIT PLAN,

Defendant.

RALPH E. WISER

Wiser & Associates
1 Centerpointe Drive, Suite 570
Lake Oswego, OR 97035
(503) 620-5577

Attorneys for Plaintiff

BRUCE A. RUBIN
JENNIFER J. ROOF
Miller Nash LLP
111 S.W. Fifth Avenue, Suite 3400
Portland, OR 97204
(503) 224-5858

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#34) on April 24, 2012, in which he recommends this Court to grant Plaintiff's Motion (#14) for Summary Judgment and to deny Defendant's Motion (#16) for Summary Judgment.

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Shiny Rock Min. Corp v. U.S.*, 825 F.2d 216, 218. (9th Cir. 1987). *See also Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

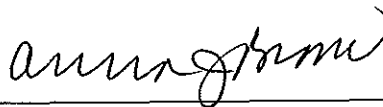
CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#34). Accordingly, the Court **GRANTS** Plaintiff's Motion (#14) for Summary Judgment and **DENIES** Defendant's Motion

(#16) for Summary Judgment.

IT IS SO ORDERED.

DATED this 3rd day of July, 2012.

A handwritten signature in cursive script, appearing to read "Anna J. Brown", written above a horizontal line.

ANNA J. BROWN
United States District Judge